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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,757	10/18/2001	Michael Mangold	MA0364US (#90081)	8438
28672	7590	03/17/2004	EXAMINER	
D. PETER HOCHBERG CO. L.P.A.			KLEBE, GERALD B	
1940 EAST 6TH STREET			ART UNIT	
CLEVELAND, OH 44114			PAPER NUMBER	

3618

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Allowability

Application No.

09/982,757

Examiner

Gerald B. Klebe

Applicant(s)

MANGOLD, MICHAEL

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 02/12/2004.
2. ☒ The allowed claim(s) is/are 1,5,7,8 and 11-13.
3. ☒ The drawings filed on 18 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

*H B Klebe*  
*10 March 2004*

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Amendment***

1. The amendment filed 02/12/2004 under 37 CFR 1.111 has been entered. By amendment, claims 2-4, 6, 9-10, and 14 are cancelled and claims 1, 5, 7, and 12-13 are amended. Claims 1, 5, 7-8, and 11-13, as amended, are pending in the application.

### ***Acknowledgment***

2. The clean copy of the substitute specification filed 02/12/2004 has been entered.  
The substitute Abstract filed 02/12/2004 has been entered.

### ***Examiner's Amendment***

3. An examiner's amendment to clear up informalities in the Abstract and one of the claims appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. The application has been amended as follows:

#### **IN THE ABSTRACT:**

At line 1: delete the phrase "This invention relates to"; and capitalize the next word "a" of the sentence.

#### **IN THE CLAIMS:**

In claim 13 at line 6: change "baseplate" to -- base plate --.

### ***Allowable Subject Matter***

5. Claims 1, 5, 7-8, and 11-13 are allowed.

***Reasons for Allowance***

6. The following is an examiner's statement of the reasons for allowance:

The recitations of independent claim 1 of a ski binding or a snowboard binding having boot holder components on the toe end and on the heel end of the binding for securing a boot on a ski or a snowboard, the ski or snowboard having a guide apparatus extending in the longitudinal direction of the ski, and comprising boot holder components form-fittingly connected to the guide apparatus whereby the boot holder components are fixed to the guide apparatus in the vertical direction and detachable from the guide apparatus in the horizontal direction and having connection elements connecting the guide apparatus to the holding device and wherein at least one of the boot holder components and the connection elements has an adjusting device having an adjusting input operated by a motor-driven tool are not found in the prior art of record nor can be reasonably construed from any combination thereof.

The recitations of the independent claims 5 and 13 comprise similar limitations of the boot holder components and the guide apparatus as found in claim 1 and further recite that the holding device is arranged between the boot holder components and secured on the guide apparatus and the connection elements are coupled to the holding device in the longitudinal direction of the guide apparatus and are adjustable against further toe-to-heel movement of the connection elements and wherein the connection elements are part of a threaded spindle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Art Unit: 3618

***Prior Art made of Record***


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Laughlin teaches a ski binding or snowboard binding having toe and heel boot holder components that are longitudinally adjustable by means of a longitudinally extending threaded spindle connecting the components. The reference also discloses other structures in common with some of the features disclosed in the instant application.

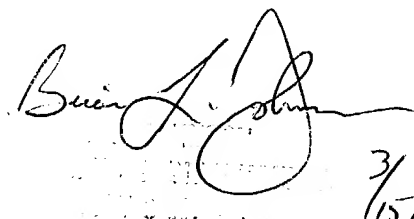
***Conclusion***

8. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Brian L. Johnson, Art Unit 3618, at 703-308-0885.

Note that the examiner's fax number has changed.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

  
gbklebe / AU 3618 / 10 March 2004

  
3/15/04